



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF
 DELHI)
 3th FLOOR, DMRC BUILDING, SHASTRI PARK, DELHI-53
 visit us at : <http://dpcc.delhigovt.nic.in>



F. No. DPCC/L013/6/2022/CMC-3/ 5861-63

Dated: 05-8-22

REMINDER

Subject: SCN for Environmental Damage Compensation.

Ref: F.No.DPCC/CMC-III/2022/998-99 dated 16.01.2023

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, public complaint received, regarding pollution generation from M/s Kesar (A Unit of AGS Hospitality), Plot No.11 Community Centre, Ashok Vihar, Phase-2, Delhi-110052 (herein after referred as the addressee unit) was conducted by the officials of DPCC on 08.12.2022 and the observations/deficiencies found during inspection are as follows:

1. During inspection unit found operational and engaged in the activity of Restaurant/ take away.
2. Unit found operating without Consent to Operate.
3. As informed by the owner of the unit the ETP was not operational from the last 15 days (no documentary proof provided).

And whereas, it is evident that you the addressee is causing pollution and also damage to the Environment which is liable for action as per "Polluter Pays" Principle.

And whereas, Delhi Pollution Control Committee proposes to impose/levy Environmental Compensation of Rs. 7,50,000/- (Rs. Seven Lakhs Fifty Thousand Only) upon the addressee unit as per "Polluter Pays" Principle. The said EC will be determined/calculated as per the office order F.No.DPCC/RDPC/EC/2022/3522-3530 dated 30.03.2022 which is as under:-

Orange Category Unit:-

Environmental Compensation (EC) = $50 \times 250 \times 0.5 \times 2 \times N$ = Rs. 12500 x N = Rs. 12500 x N

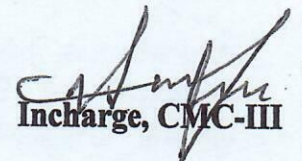
In case where 'N' (No. of days) is not actually measurable or doubtful, 'N' shall be considered as 30 days.

$$EC = \text{Rs. } 12500 \times 30 = \text{Rs. } 3,75,000/-$$

The units which are operating without Consent under Air/Water Act, EC amount will be doubled.

Therefore, $EC = \text{Rs. } 3,75,000 \times 2 = \text{Rs. } 7,50,000/-$ (Rs. Seven Lakhs Fifty Thousand Only) shall be liable to pay through Demand Draft in favor of "Delhi Pollution Control Committee".

Hence by way of this notice, you are hereby given an opportunity to submit your reply as to why the aforesaid EDC as proposed for past violation as mentioned above should not be confirmed. Your reply should reach to this office within 15 days from date of service of this notice, failing which it shall be assumed that you have nothing to say in this regard and the competent authority of DPCC shall be free to take action as proposed above. This may also be treated as an opportunity of being heard.


Incharge, CMC-III

To,

M/s Kesar (A Unit of AGS Hospitality)
Plot No.11, Community Centre
Ashok Vihar, Phase-2, Delhi-110052

Copy to:

1. Incharge, IT Cell, DPCC- for uploading on website of DPCC in public domain
2. Master File


AEE, CMC-III